



3. Coroners Inquests: When a person dies from something that could have been prevented, a Coroners Inquest may be held. If a person dies in jail or in police custody then an Inquest must be held. The jury decides how the person died, and makes recommendations on how to prevent others from dying in a similar situation.

### **Why are so few First Nations people on juries?**

Court workers are supposed to make a list of people who live in their court district. This list is called a Jury Roll. The people who make up a jury in a case are picked from the Jury Roll.

The Federal Government used to provide lists of people living on reserve to the Ontario Government for the Jury Roll. Ten years ago, the Federal Government stopped giving out the lists.

For the past ten years, court workers from the Ontario government have not tried hard enough to make sure that First Nations people are on the Jury Roll. The law says that they have to do more to collect names of First Nations people for the Jury Roll.

### **Why is it important for First Nations to be on juries?**

The law says that a jury must be impartial. This means that the jury must decide the case fairly, and to not favour one side or the other before it hears all of the facts and decides the case.

The law also says that a jury must be representative in order for it to be impartial. That means that a jury must be picked from a Jury Roll that has people on it from all different communities and backgrounds. When one group of people is not included, the jury is not representative.

Juries make important decisions. Being on a jury is a chance to have a say in how these decisions are made.

When First Nations people are not included, their opinions and beliefs are not heard. The decisions that get made without the viewpoints of First Nations people being heard may not be good for First Nations people.

## **Are jurors paid?**

If you live more than 40 km from the courthouse, you are paid a travel allowance.

The first 10 days of jury service is unpaid. Most cases take less than ten days.

From day 11 to day 49, each juror is paid \$40 per day. From the 50th day of a case, jurors are paid \$100 per day. Long cases such as these are very rare.

## **Who is Frank Iacobucci?**

Frank Iacobucci is a retired judge who used to sit on the Supreme Court of Canada, the highest court in Canada. Mr. Iacobucci has made many important decisions as a judge, some that were very significant for First Nations people. For instance, Mr. Iacobucci was appointed to lead discussions with former residential school students, the Churches, the AFN, and other Aboriginal organizations which eventually resulted in the Indian Residential Schools Settlement Agreement.

He has been appointed to lead the inquiry into First Nations and Juries in Ontario. Even though he was appointed by the Ontario Government, he has the power to make his own decisions, and say things that the Ontario Government doesn't want to hear. He cannot be removed until his work is completed.

## **What is the Iacobucci Inquiry supposed to do?**

Mr. Iacobucci has the power to inquire into the lack of representation of First Nations people on juries in Ontario and to come up with solutions to this problem. He is able to hold public or private meetings in First Nations communities. He will prepare a report on this problem, which will be published in English, French, Cree, Ojibway, Oji-Cree and Mohawk.

## **What role does Nishnawbe Aski Nation play on this issue?**

NAN has been concerned for many years that First Nations people in NAN territory have been excluded from juries. NAN raised these concerns with the Ontario government in 2008. After the Ontario government failed to take steps to fix the problem, NAN took its concerns about the representativeness of juries to court. In 2011, the highest court in Ontario agreed with NAN and ordered that a hearing be held into whether First Nations people had been excluded from juries.

After NAN won its case in court, the Ontario Government decided to appoint Mr. Iacobucci to conduct a review of the problem. NAN will be an active participant in the review process.

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